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REMARKS

In view of the rejection of claims 1 and 2 under 35 U.S.C. 102(b) as being anticipated by Barnsteiner 2,225,762, claim 2 is cancelled herein to reduce the issues and claim 1 is amended to more explicitly identify the structural features of this invention which clearly distinguish patentably over the reference applied, as follows (reference numerals are applied to the claims for assistance):

Claim 1 paragraph b) now recites "a pair of towel rod support members (36; 80; 96) one positioned adjacent each of the lateral side walls of the cabinet (10) for supporting therebetween a towel support rod adjacent the upper end of the open front side of the cabinet. This amended paragraph provides more specific identity of the position of the pair of towel rod supports relative to the cabinet.

Claim 1 paragraph c) now recites "at least one towel support rod (38; 82; 94) extending between and supported by said towel rod support members adjacent the upper end of the front side of said cabinet for hanging a towel vertically downward from said rod toward the bottom of said cabinet. This amended paragraph specifically identifies the towel rod support members supporting a towel support rod adjacent the upper end of the open front side of the cabinet.

Claim 1 paragraph d) now recites "securing means (40, 42, 30; 76, 74, 78; 98) integrally connecting said cabinet (10) and said rod support members (36; 80; 96) together

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and configured to enable reciprocation of said at least one towel support rod through said open front end of the cabinet between a position retracted within the cabinet and a position extended forwardly of said open side of the cabinet while maintaining the at least one towel support rod adjacent the upper end of the cabinet".

Amended paragraph d) now clearly identifies the positive attachment of the support rod members (36; 80; 96) to the cabinet, thereby distinguishing over Barnsteiner's disclosure of manually carrying and manipulating the one-piece rack 24 for removing it from the casing 10 or re-positioning the rack to extend the next to the outermost rod 24 (identified by the Examiner) of the rack outwardly of the open front of the casing.

It is important to note that Barnsteiner's invention is identified in the title and in the disclosure as an "Oven Rack Glide" and that the reference numeral 24 is not mentioned anywhere in the disclosure which is directed specifically to the glide flutes 22 and the associated components 12, 12a, 14, 18, 18a, 23, 25. The result is a novel glide to support a conventional oven rack within a conventional oven, by use of an intermediate casing 10, which also is completely separate from the oven (not shown) which is essential for performance of the rack 24 in supporting foodstuffs for cooking by heating.

Moreover, claim 1 paragraph d) now clearly recites the positive attachment of the towel rod support members to the cabinet, which the Examiner acknowledges is not shown or suggested by Barnsteiner. Applicant's attachment (40, 42, 30; 76, 74, 78; 98) enables

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reciprocating the towel support rod through the open front end of the cabinet between the position retracted within the cabinet and a position extended forwardly of the open end of the cabinet, while maintaining the towel support rod adjacent the upper end of the open side of the cabinet. This structural arrangement and mode of operation clearly is illustrated in Figs. 3, 4, 5, 6, 7 and 8 of applicant's drawings, and is not even remotely suggested by Barnsteiner's disclosure.

For the reasons discussed hereinbefore, it is submitted that claim 1 as herein amended clearly distinguishes patentably over the reference Barnsteiner, as well as the other references of record, and therefore is properly allowable with tentatively allowed claims 3, and 6-9, as well as claims 4-5 and 10 which the Examiner has withdrawn from consideration.

Claim 5 adds to amended generic claim 1 the lavatory bowl 90, 108 supported by the top member 88, 106 of the cabinet, and claims 4 and 10 identify the connecting means of amended generic claim 1 as providing rectilinear movement of the towel support rod relative to the cabinet, as illustrated in Figs. 7 and 8 by the support members 96 mounted slidably on the tract members 98 secured to the cabinet side walls, as distinguished from the arcuate movement illustrated in Figs. 1-6. Clearly, the generic recitation of securing means in claim 1 d) is an important structural and operational distinction over the applied reference Barnsteiner and is entitled to the claim coverage for both arcuate and rectilinear movements of the towel support rod. The provision in claim 5 of the lavatory bowl on the cabinet top member also

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recites the combination with claim 1 that is patentably allowable.

Claim 2 has been cancelled herein to reduce the issues.

Favorable reconsideration and passage of this case to issue with claims 1 and 3-10, is solicited.

Respectfully submitted,

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Signature

  
28 Jan 2004

Date of Signature